

1                                   **INHERENT RISKS OF PARTICIPATING IN**  
2                                   **RECREATIONAL ACTIVITIES ON PROPERTY**  
3                                   **OWNED BY LOCAL GOVERNMENT**

4                                   2006 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Chief Sponsor: DeMar Bud Bowman**

7                                   Senate Sponsor: Peter C. Knudson

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9   **LONG TITLE**

10 **General Description:**

11           This bill amends a provision relating to the inherent risks of participating in recreational  
12 activities on property owned by a county or municipality.

13 **Highlighted Provisions:**

14           This bill:

15           ▶ adds ice skating to the definition of recreational activities in a provision prohibiting  
16 a person from making a claim for a personal injury or property damage resulting  
17 from the inherent risks of participating in the recreational activity on property  
18 owned by a county or municipality.

19 **Monies Appropriated in this Bill:**

20           None

21 **Other Special Clauses:**

22           None

23 **Utah Code Sections Affected:**

24 AMENDS:

25           **78-27-63**, as enacted by Chapter 107, Laws of Utah 1999

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27 *Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **78-27-63** is amended to read:

29 **78-27-63. Inherent risks of certain recreational activities -- Claim barred against**  
30 **county or municipality -- No effect on duty or liability of person participating in**  
31 **recreational activity or other person.**

32 (1) As used in this section:

33 (a) "Inherent risks" means those dangers, conditions, and potentials for personal injury  
34 or property damage that are an integral and natural part of participating in a recreational  
35 activity.

36 (b) "Municipality" has the meaning as defined in Section 10-1-104.

37 (c) "Person" includes an individual, regardless of age, maturity, ability, capability, or  
38 experience, and a corporation, partnership, limited liability company, or any other form of  
39 business enterprise.

40 (d) "Recreational activity" means a rodeo, an equestrian activity, skateboarding, roller  
41 skating, ice skating, hiking, bike riding, or in-line skating on property:

42 (i) owned by:

43 (A) with respect to a claim against a county, the county; and

44 (B) with respect to a claim against a municipality, the municipality; and

45 (ii) intended for the specific use in question.

46 (2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,  
47 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or  
48 recover from a county or municipality for personal injury or property damage resulting from  
49 any of the inherent risks of participating in a recreational activity.

50 (3) Nothing in this section may be construed to relieve a person participating in a  
51 recreational activity from an obligation that the person would have in the absence of this  
52 section to exercise due care or from the legal consequences of a failure to exercise due care.

53 (4) Nothing in this section may be construed to relieve a person from an obligation that  
54 the person would have in the absence of this section to exercise due care or from the legal  
55 consequences of a failure to exercise due care.

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**Legislative Review Note**

as of 8-9-05 7:47 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**